

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KAYLA WANAT,	:	No. 4:13-CV-1366
	:	
Plaintiff,	:	
	:	
v.	:	(Judge Brann)
	:	
STATE FARM MUTUAL,	:	
AUTOMOBILE INS. CO.,	:	(Magistrate Judge Carlson)
	:	
	:	
Defendants.	:	

ORDER

January 21, 2014

The undersigned has given full and independent consideration to the October 11, 2013 report and recommendation of Chief Magistrate Judge Martin C. Carlson. ECF No. 19. No objections have been filed.

Because this Court agrees with Judge Carlson's recommendation that the Plaintiff's bad faith denial of insurance coverage claim (Count II) be dismissed without prejudice and Plaintiff's allegation that State Farm's handling of the insurance claim violated Pennsylvania's Unfair Trade Practices and Consumer Protection Law, 75 Pa.C.S. § 201-1 (Count III) be dismissed with prejudice, the Court will not rehash the sound reasoning of the Magistrate Judge and will adopt the report and recommendation in its entirety.

NOW, THEREFORE, IT IS ORDERED THAT:

1. United States Chief Magistrate Judge Martin C. Carlson's October 11, 2013 Report and Recommendation (ECF No. 19) is ADOPTED in full.
2. The Defendants Motion to Dismiss (ECF No. 4) is GRANTED, with respect to Counts II and III of the Plaintiff's Complaint (ECF No. 1, Ex. A).
3. Count III of the Plaintiff's Complaint (ECF No. 1, Ex. A) is DISMISSED with prejudice.
4. Count II of the Plaintiff's Complaint (ECF No. 1, Ex. A) is DISMISSED without prejudice to the Plaintiff endeavoring to correct the defects cited in Chief Magistrate Judge Carlson's report and recommendation, provided that the Plaintiff files a properly supported complaint within 20 days of the issuance of this Order.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge